

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

SCOTT W. VEALE and	:	
DAVID T. VEALE	:	
	:	
v.	:	C.A. No. 1:02-MC-11
	:	
UNITED STATES OF AMERICA, et. al.	:	

**REPORT AND RECOMMENDATION**

Lincoln D. Almond, United States Magistrate Judge

In this matter, Plaintiffs Scott W. Veale and David T. Veale filed their Motions for Leave to Proceed In Forma Pauperis on Appeal on July 18, 2011. (Documents No. 71, 72). This matter has been referred to me for preliminary review, findings and recommended disposition pursuant to 28 U.S.C. § 636(b)(1)(B) and LR Cv 72.1. The Court has determined that no hearing is necessary. After reviewing the Motions and Affidavits submitted, I recommend that the Motions be DENIED.

On June 13, 2011, Plaintiffs filed their Notice of Interlocutory Appeal and Motion to Proceed In Forma Pauperis on Appeal. (Documents No. 57, 58). After a thorough review of the Affidavits filed in connection with their IFP applications, I recommended that the District Court deny the Motion to Proceed IFP in light of the Plaintiffs' ability to pay the filing fee. (Document No. 59). On July 11, 2011, Chief Judge Lisi approved the Report and Recommendation. (Document No. 66). The interlocutory appeal was assigned C.A. No. 11-1710 at the First Circuit Court of Appeals. Now that final judgment has been entered, Plaintiffs again seek leave to appeal in forma pauperis and have filed new Affidavits with the Court in connection with that appeal, which has been assigned C.A. No. 11-1837 by the Court of Appeals. Although minor changes have been made to the

Affidavits, they are not material and the present Motions should be denied for the same reasons as stated in the Court's previous Report and Recommendation. The filing fee for an appeal is \$455.00, and Plaintiffs have sufficient funds to proceed with this case without in forma pauperis status.

### **Conclusion**

For the foregoing reasons, I recommend that the Plaintiffs' Motions for Leave to Proceed In Forma Pauperis on Appeal (Documents No. 71, 72) be DENIED. Any objection to this Report and Recommendation must be specific and must be filed with the Clerk of the Court within fourteen (14) days of its receipt. See Fed. R. Civ. P. 72(b); LR Cv 72.2. Failure to file specific objections in a timely manner constitutes waiver of the right to review by the District Court and the right to appeal the District Court's decision. See United States v. Valencia-Copete, 792 F.2d 4, 6 (1<sup>st</sup> Cir. 1986); Park Motor Mart, Inc. v. Ford Motor Co., 616 F.2d 603, 605 (1<sup>st</sup> Cir. 1980).

/s/ Lincoln D. Almond  
LINCOLN D. ALMOND  
United States Magistrate Judge  
August 16, 2011